

AYABE, CHONG, NISHIMOTO,
SIA & NAKAMURA
A Limited Liability Law Partnership

JOHN S. NISHIMOTO 1820-0
MICHAEL J. VAN DYKE 6817-0
1001 Bishop Street, Pauahi Tower 2500
Honolulu, Hawaii 96813
Telephone: 808-537-6119
Facsimile: 808-526-3491
E-mail: John.Nishimoto@hawadvocate.com
Michael.VanDyke@hawadvocate.com

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2007 FEB -7 PM 3:20

T. WONG
CLERK

Attorneys for Defendant
DENNIS WARREN, ESQ.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KELLEY WOODRUFF, M.D. and
HAWAII CHILDREN'S BLOOD AND
CANCER GROUP,

Plaintiffs,

vs.

HAWAII PACIFIC HEALTH;
KAPI'OLANI MEDICAL SPECIALISTS;
KAPI'OLANI MEDICAL CENTER FOR
WOMEN AND CHILDREN; ROGER
DRUE; FRANCES A. HALLONQUIST;
NEAL WINN, M.D.; SHERREL
HAMMAR, M.D.; DELOITTE & TOUCHE
LLP; DENNIS M. WARREN, ESQ.;
JOHN DOES 1-99; JANE DOES 1-99
DOE ENTITIES 1-20; AND DOE
GOVERNMENTAL UNITS 1-10,

Defendants.

) CIVIL NO. 02-1-0090-01 BIA
) (Other Civil Action)

) ORDER DENYING PLAINTIFFS'
) RENEWED AMENDED FIRST MOTION
) FOR PARTIAL SUMMARY JUDGMENT
) FILED MARCH 28, 2006

) HEARING:

) DATE: September 21, 2006

) TIME: 10:30 a.m.

) JUDGE: The Honorable Bert I. Ayabe

) TRIAL DATE: October 1, 2007

ORDER DENYING PLAINTIFFS' RENEWED AMENDED FIRST MOTION FOR
PARTIAL SUMMARY JUDGMENT FILED MARCH 28, 2006

PLAINTIFFS' Renewed Amended First Motion for Partial Summary

Judgment (hereafter "Plaintiffs' Motion") came on regularly for hearing on September 21, 2006 at 10:30 a.m. before the Honorable Bert I. Ayabe, Judge of the above entitled Court. Arleen D. Jouxson, Esq. and Rafael G. Del Castillo, Esq. appeared on behalf of Movants/Plaintiffs. Kenneth S. Robbins, Esq. appeared on behalf of Defendants Hawai'i Pacific Health, Kapi'olani Medical Specialists, Kapi'olani Medical Center For Women and Children, Roger Drue, Frances A. Hallonquist, Neal Winn, M.D., and Sherrel Hammar, M.D. (hereinafter collectively referred to as "HPH Defendants"). John T. Komeiji, Esq. and Karen Y. Arikawa, Esq. appeared on behalf of Defendant Deloitte & Touche LLP (hereafter "D&T"). John S. Nishimoto, Esq. and Michael J. Van Dyke, Esq. appeared on behalf of Defendant Dennis Warren, Esq. (hereafter "Mr. Warren").

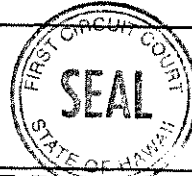
The Court, having reviewed and considered the memoranda and exhibits submitted by the parties, having heard the arguments of counsel, and based upon the applicable law of Hawaii and the records, files, and pleadings herein, the Court finds that: in their Motion, Plaintiffs refer to "the Warren defamatory statements" in Count IX (Defamation) of Plaintiffs' Second Amended Complaint; "the Warren defamatory statements" concern statements made by Mr. Warren in the Voluntary Disclosure Submission (hereafter "VDS") that was submitted to the Office of Inspector General (hereafter "OIG"); even if the statements could be construed as defamation *per se*,

based on the evidence presented and this Court's rulings on Mr. Warren's Motion for Summary Judgment, the substantive Joinders thereto, and D&T's Motion for Summary Judgment as to Count IX (Defamation) of the Second Amended Complaint filed February 17, 2005, Defendants had a qualified privilege and the privilege was not abused; as to the other defenses referred to in Plaintiffs' Motion, Plaintiffs fail to present any new argument. Therefore, this Court denies Plaintiffs' Renewed Amended First Motion for Partial Summary Judgment.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs' Renewed Amended First Motion For Partial Summary Judgment is denied.

DATED: Honolulu, Hawaii, FEB 06 2007

BERT I. AYABE



JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "Arleen D. Jouxson".

ARLEEN D. JOUXSON, ESQ.
RAFAEL G. DEL CASTILLO, ESQ.
Attorneys for Plaintiffs



KENNETH S. ROBBINS, ESQ.
Attorneys for Defendants
Hawai'i Pacific Health,
Kapi'olani Medical Specialists,
Kapi'olani Medical Center for Women
and Children, Roger Drue, Frances A.
Hallonquist, Neal Winn, M.D., and
Sherrel Hammar, M.D.



JOHN T. KOMEIJI, ESQ.
KAREN Y. ARIKAWA, ESQ.
Attorneys for Defendant
Deloitte & Touche LLP



JOHN S. NISHIMOTO
MICHAEL J. VAN DYKE
Attorneys for Defendant
DENNIS WARREN, ESQ.